

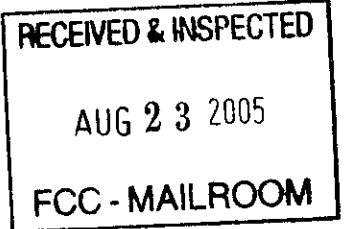


# Talmudical Academy, Adelphia, New Jersey

TORAH RESEARCH AND DEVELOPMENT CENTER

DOCKET FILE COPY ORIGINAL

August 17, 2005



RABBI YAKOV CHAIM STEIN  
Chair

RABBI MORDECAI GOTTLIB  
Adelphi, NJ

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Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Re: Talmudical High School**  
**P.O. Box 7, Route 524**  
**Adelphia, NJ 07710**  
**Phone: 732-431-1600**  
**Fax: 732-431-3951**  
**e-mail: [taofnj@verizon.net](mailto:taofnj@verizon.net)**  
**Billed Entity Number: 7887**  
**Form 471 Application Number: 408635**  
**CC Docket No. 02-6**

To Whom It May Concern:

This letter is a "Request for Review" of a decision made by the SLD to deny our appeal for our funding requests listed on the above referenced 471 Application.

At the time of our selective review, Talmudical High School did not have an operating budget prepared. Instead of an operating budget, we submitted a letter from a board member authorizing Talmudical High School to spend \$8000 for Telecommunications Services (copy of letter enclosed). The SLD did not accept this letter since "this letter does not indicate that the funds will be allocated for the E-Rate share of the requested services nor does it show that this amount will be a part of the operating budget since Talmudical High School did not have a prepared budget at that time." Please note, that the board member authorized \$8000 to cover all our telecommunication expenses even if it would not be discounted at all through the E-rate program. He was unaware that he needed to explicitly state that if the amount was discounted by the E-rate program it would be used to pay our share of the non-discounted portion, especially if in his first paragraph he was authorizing the school to file the Form 471 and the amount allotted would cover the full costs of telecommunications.

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We have enclosed copies of our correspondences with the SLD and would greatly appreciate your review of this decision. We feel that we have been denied for a small technicality and would greatly appreciate any courtesy you can extend to us.

We have enclosed the USAC Administrator's Decision of Appeal as well as our appeal that the USAC denied and some supporting documents. If any additional information is necessary, please contact us.

Sincerely yours,



Neal Gottlieb



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2004-2005**

June 30, 2005

Neal Gottlieb  
Talmudical Academy  
P.O. Box 7  
Route 524  
Adelphia, NJ 07710

Re: Applicant Name: TALMUDICAL HIGH SCHOOL  
Billed Entity Number: 7887  
Form 471 Application Number: 408635  
Funding Request Number(s): 1120303, 1120367, 1120441  
Your Correspondence Dated: February 28, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1120303, 1120367, 1120441  
Decision on Appeal: **Denied**  
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny the application for failure to show that, when you filed the Form 471 application, you had secured access to funds necessary to pay the non-discounted portion of the funding request. In support of your request, you assert that you submitted supporting documentation, which clearly indicated that Talmudical High School had sufficient funds to pay the non-discounted portion of the E-rate charges because of the letter from your board member authorizing Talmudical to budget \$8,000 for telecommunications services. You also state that you have now prepared your operating budget and have additional money budgeted.

- Upon review of the appeal letter, the facts and documentation, it has been determined that during the initial selective review, SLD requested that you indicate whether Talmudical High School had secured their portion of the funding and to provide a copy of the operating budget for 2004-2005 showing both revenue and expenses. SLD asked you to provide the approved budget or, if your budget was in the approval process, SLD will accept alternative documentation including what phase of the approval process Talmudical High School was in. In the responses provided to SLD on May 13, 2004 and November 2, 2004, you stated that the funds for the Telecommunications Services "will come from Talmudical High School's operating budget and is not contingent on any outside action." However, both times you stated that Talmudical High School did "not have a budget prepared for the 2004-2005 school year." Since the Talmudical High School did not have a budget even prepared yet, they did not secure access to the resources necessary to pay the discounted charges for eligible services since, as noted on the SLD website in the reference section under Obligation to Pay Non-Discount Portion, "secured access" means that the applicant "can show that these funds are, or will be, part of" their budget. Although the board member's letter states that he is authorizing Talmudical High School to budget \$8,000 for Telecommunications Services, this does not indicate that the funds will be allocated for the E-rate share of the requested services nor does it show that this amount will be a part of the operating budget since Talmudical High School did not have a prepared budget at that time. Therefore, you have been unable to show evidence that the full applicant share was secured before filing of Form 471. You have failed to provide evidence that SLD has erred in its decision.
- SLD's review of your application indicated that the information you provided during the Item 25 review was not sufficient to demonstrate that, at the time you submitted your Form 471 application, you had secured access to these funds. In your appeal, you did not demonstrate that at the time you submitted your Form 471 application, you had secured access to these funds. Consequently, SLD denies your appeal.
- FCC rules require applicants to certify that, at the time they submit the FCC Form 471, they have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the non-discounted charges for eligible services. 47 C.F.R. § 54.504(b); FCC Form 471, Block 6 Item 25. SLD reviews this certification by conducting an Item 25 "necessary resources" review. The FCC has emphasized the importance of conducting this review to protect the integrity of the schools and libraries support mechanism. *Request for Review by New Orleans Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd. 16,653, DA 01-2097 (rel. Sep. 18, 2001). This rule requires the applicant to pay its service provider the full cost of the non-discounted portion owed to the service provider from the funds budgeted within that funding year.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied

in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



# Talmudical Academy, Adelpia, New Jersey

TORAH RESEARCH AND DEVELOPMENT CENTER

RABBI Y. CHIM SHAIN  
Over

February 28, 2005

RABBI Y. TRINK  
Head of School

RABBI MORDECHAI GOTTlieb  
Administrator

Letter of Appeal  
School and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

ISAAC COHEN

Richard Cohen  
Head of School

Lawrence Cohen  
David  
Moshe

Nat

David

Andrew

Richard

Samuel

Abraham

Isaac

David

Chaim

Samuel

Isaac

**Re: Form 471 Application #: 408635**  
**Funding Year 2004: 07/01/2004 - 06/30/2005**  
**Billed Entity Number: 7887**  
**Applicant's Form Identifier: 1600**  
**Contact Name: Neal Gottlieb**  
**Telephone Number: 732-431-1600**  
**Fax Number: 732-431-3951**  
**e-mail address: taofnj@aol.com**

To Whom This May Concern:

We wish to respectfully appeal your decision to deny our funding commitment requests on the above referenced 471 Application based on the following.

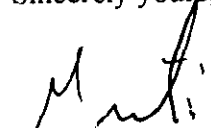
In your letter dated January 11, 2005, it states that we "did not respond to our repeated requests for further information." Please note that we responded to every request for information that we received. Copies of the requests and our responses are attached. After our second correspondence, we were not informed that what we submitted would not be acceptable.

In your letter, you further state that we "did not demonstrate that you have secured the financial resources to pay your share and the estimated investments you reported for Hardware, Professional Development, Software, Retrofitting and Maintenance." Please note that our letter from Mr. Moshe Hertz, Member of the Board, clearly states that he authorizes Talmudical High School to budget a total of \$8000.00 for telecommunications services. This amount would even allow us to pay the full amount of the funding request if it was denied. Thus, if the funding would be approved, we would have plenty of funds to cover whatever very minimal amounts of maintenance, professional development, software and retrofitting that we would need.

In addition, we now have our operating budget prepared, and additional money is budgeted for repairs and maintenance.

Your consideration of the above would be greatly appreciated.

Sincerely yours,



Neal Gottlieb

**Talmudical Academy High School  
Operating Budget  
Fiscal Year June 30, 2005**

Revenues:

Tuition	200,000
Government Grants	40,000
Public Support	85,000
Interest and Other Income	3,000
Total Revenue	<u>328,000</u>

Expenses:

Payroll & Benefits	140,000
Professional Fees	35,000
Office Supplies & Expenses	18,000
Communication Expenses	8,500
Postage	5,000
Repairs & Maintenance	4,000
Printing & Publications	5,000
Travel Expenses	1,000
Interest Expenses	1,000
Food Related Expenses	17,500
Utilities	30,000
Insurance	38,000
Fundraising Expenses	15,000
Waste Removal	4,000
Total Expenses	<u>322,000</u>

Net Revenues

6,000





# Talmudical Academy, Adelphia, New Jersey

TORAH RESEARCH AND DEVELOPMENT CENTER

RABBI YERUCHIM SHAIN  
*Dean*

RABBI DAVID TRENK  
*General Principal*

RABBI MORDECHAI GOTTLIEB  
*Administrator*

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David S.

Chas. S.

Steven S.

Steven S.

November 2, 2004

Mr. Al Arauz  
USAC  
80 South Jefferson Road  
Whippany, NJ 07981

Dear Mr. Arauz:

In regard to our selective review, please note the following:

**Professional development:** Our school has only requested telephone service. We do not have a training staff for the use of our telephones.

**Budget:** Talmudical High School does not have a budget prepared for the 2004-2005 school year. Therefore we have enclosed a letter from one of our Board Members authorizing the 471 application and the associated dollar amount. Our share of telecommunications services will come from Talmudical High School's operating budget and is not contingent on any outside action. Talmudical High School has secured the resources needed to pay its share and to make effective use of the items and services requested.

**Technology Plan:** A technology plan is not needed for the services requested.

If any additional information is necessary, please feel free to contact me.

Sincerely yours,



Neal Gottlieb

*Moshe Hertz  
47 Olympia Lane  
Monsey, N.Y. 10952*

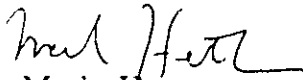
May 11, 2004

To Whom This May Concern:

I hereby authorize Talmudical High School to file form 471 Number 408635 for the 2004-2005 school year.

In addition, I hereby authorize Talmudical High School to budget a total of \$8000.00 for telecommunications services.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Moshe Hertz".

Moshe Hertz  
Member of the Board  
Talmudical High School